

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA

v.

TYLER WARRINGTON

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CASE NO. 3:11-CR-109-PLR

MEMORANDUM AND ORDER

This matter is before the court on the defendant's motion for sentence reduction pursuant to Amendment 782 to the United States Sentencing Guidelines [R. 77]. The government has responded deferring to the court's discretion whether and to what extent to reduce defendant's sentence [R. 78]. The United States Probation Office has provided the court with a memorandum regarding retroactivity of Amendment 782. The defendant is presently scheduled for release on October 26, 2024.


The defendant was convicted of conspiring to distribute and possess with intent to distribute oxycodone, in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(C); and possessing a firearm in furtherance of drug trafficking, in violation of 18 U.S.C. § 924(c). At sentencing, defendant's base offense level for the drug conviction was 31, with a criminal history category II, resulting in an advisory guideline range of 121 - 151 months. Defendant was also subject to a 60-month consecutive sentence for the firearm conviction, so his effective guideline range was 181 – 211 months. Defendant was sentenced on September 13, 2012, to 181 months imprisonment, the bottom of his advisory guideline range.

Amendment 782 reduces the guideline range applicable to defendant. Pursuant to Amendment 782, defendant's base offense level for the drug conviction is 29, with a criminal history category II, resulting in an amended guideline range of 97 - 121 months. Defendant is still subject to the 60-month consecutive sentence for the firearm conviction, giving him an amended guideline range of 157 – 181 months. Giving defendant a comparable adjustment, and taking into account the policy statements set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), it is hereby ORDERED that the defendant's motion [R. 77] is **GRANTED**, and the defendant's sentence is **reduced to 157 months**.

If this sentence is less than the amount of time the defendant has already served, the sentence is reduced to a "time served" sentence. *See* USSG § 1B1.10(b)(2)(C).

Except as provided above, all provisions of the judgment dated September 19, 2012, shall remain in effect.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE